

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

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§
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v.

Case No. 4:22-cr-612

MITCHELL HENNESSEY

The Honorable Andrew S. Hanen

Defendant.

§

**United States' Response in Opposition to Defendant HENNESSEY's Motion to Modify
Conditions of Release**

The United States, by and through undersigned counsel, respectfully submits this Response in Opposition to Defendant Hennessey's Motion to Modify Conditions of Release (ECF No. 187) and the eleven (11) filed attachments. The Court should deny the motion because the current conditions—including GPS location monitoring—are the least restrictive that will reasonably assure the Defendant's appearance. A change in the current conditions is unwarranted.

I. Background and Analysis

On February 16, 2023, following a hearing at his arraignment on six charges relating to securities and commodities fraud, defendant Hennessey was ordered by United States Magistrate's Judge Dena H. Palermo to obtain GPS location monitoring. This ruling brought defendant Hennessey into parity with his similarly situated co-defendants in accordance with this Court's Parity Order (ECF No. 40). Additionally, during the hearing, the Magistrate Court concluded that defendant Hennessey's financial resources provide the means to flee prosecution and that the significant consequences of conviction provide the incentive to do so. There is no

additional information or change in circumstances alleged in the Defendant's latest Motion warranting the alteration of the Magistrate's Court's order of February 16, 2023.

Additionally, the government re-urges the legal reasoning advanced for denying this Motion, and those similar, as it is outlined in the government response to defendant John Rybarczyk's Motion to Modify Bond Conditions (ECF No. 182).

II. Prayer

For the foregoing reasons, the Court should deny the Defendant's motion and maintain the current conditions of release, including GPS location monitoring.

Dated: March 2, 2023

Respectfully submitted,

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Chief, Fraud Section
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By: /s/ Scott Armstrong
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CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2023, I will cause the foregoing motion to be electronically filed with the Clerk of the Court using the CM/ECF system, which will provide copies to counsel for all parties.

/s/ Thomas H. Carter
Thomas H. Carter
Assistant United States Attorney
Southern District of Texas

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[Proposed] ORDER

Upon consideration of Defendant Hennessey's Motion to Modify Conditions of Release (ECF No. 187) and the United States' response, the Motion is DENIED.

It is so ORDERED at Houston, Texas on this ____ day of _____, 2023.

THE HON. ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE
